

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CIERA WASHINGTON,

Plaintiff,

-against-

WALGREENS; WALGREENS CO.; DUANE
READE; DUANE READE INC.; DUANE READE;
INTERNATIONAL, LLC; and Individually and
Jointly, LUIS GUERRERO; GERMAINE ALLEN;
VIVIAN GHOBRIAL; and CRYSTAL
BECKRUM.

Defendants.
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Case No.: 17-cv-2393 (JMF)

**DECLARATION OF AARON WARSHAW, ESQ. IN SUPPORT OF
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

I, Aaron Warshaw, Esq., declare, under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct to the best of my knowledge:

1. I am an attorney with Ogletree, Deakins, Nash, Smoak & Stewart, P.C., which represents Defendants Walgreen Co. ("Walgreens"), Duane Reade Inc. ("Duane Reade") (Walgreens and Duane Reade collectively, the "Duane Reade Defendants"), Duane Reade International, LLC, Germaine Allen ("Allen"), and Vivian Ghobrial ("Ghobrial") (all defendants are collectively referred to herein as "Defendants")¹ in the above-referenced action. I submit this declaration in support of Defendants' motion for summary judgment.

¹ The undersigned does not represent individually named defendants Luis Guerrero and Crystal Beckum. Washington also incorrectly named "Walgreens" and "Duane Reade" as defendants. Although those are Defendants' trade names, they are not legal entities. Further, Duane Reade International, LLC is not a proper party at interest in this case.

2. Appended to this Declaration as Exhibit A is a true and correct copy of relevant pages from the deposition transcript of Plaintiff Ciera Washington ("Plaintiff"), dated May 14, 2018.

3. Appended to this Declaration as Exhibit B is a true and correct copy of Plaintiff's offer letter dated September 9, 2015, marked as Exhibit 4 at Plaintiff's deposition and Bates-numbered DR 000093-94.

4. Appended to this Declaration as Exhibit C is a true and correct copy of Plaintiff's acknowledgement of her pay rate, dated September 12, 2015, Bates-numbered DR 000095.

5. Appended to this Declaration as Exhibit D is a true and correct copy of relevant pages from the deposition transcripts of Michael Geyer, dated February 7, 2018 and April 3, 2018.

6. Appended to this Declaration as Exhibit E is a true and correct copy of relevant pages from the deposition transcript of David Jenny, dated February 7, 2018.

7. Appended to this Declaration as Exhibit F is a true and correct copy of Plaintiff's termination letter dated March 3, 2016, marked as Exhibit 22 at Plaintiff's deposition and Bates-numbered Ciera Washington00026.

8. Appended to this Declaration as Exhibit G is a true and correct copy of Plaintiff's training transcript report, marked as Exhibit 5 at Plaintiff's deposition and Bates-numbered DR 000021.

9. Appended to this Declaration as Exhibit H is a true and correct copy of relevant pages from Duane Reade's Employee Handbook, dated September 1, 2013, marked as Exhibit 8 at Plaintiff's deposition and Bates-numbered DR 000035-36, 000047-49, and 000081.

10. Appended to this Declaration as Exhibit I is a true and correct copy of relevant pages from the deposition transcripts of Vivian Ghobrial, dated February 13, 2018 and February 20, 2018.

11. Appended to this Declaration as Exhibit J is a true and correct copy of a Learning Plan regarding register procedures, Bates-numbered DR 000132-33.

12. Appended to this Declaration as Exhibit K is a true and correct copy of Plaintiff's acknowledgement of the Duane Reade Shift Leader job description, dated September 11, 2015, and the Shift Leader job description, marked as Exhibit 6 at Plaintiff's deposition and Bates-numbered DR 000090-91.

13. Appended to this Declaration as Exhibit L is a true and correct copy of relevant pages from the deposition transcript of Germaine Allen, dated February 14, 2018.

14. Appended to this Declaration as Exhibit M is a true and correct copy of schedules for Store No. 14417 from November to December 2015, marked as Exhibit 9 at Plaintiff's deposition and Bates-numbered DR 000301-22.

15. Appended to this Declaration as Exhibit N is a true and correct copy of relevant pages from the deposition transcript of Brent Moss, dated February 20, 2018.

16. Appended to this Declaration as Exhibit O is a true and correct copy of relevant excerpts of surveillance video from Store No. 14417 taken on December 16, 2015, marked as Exhibit 12 at Plaintiff's deposition.

17. Appended to this Declaration as Exhibit P is a true and correct copy of excerpts of Plaintiff's medical records from her visit to Mount Sinai Hospital's Emergency Room on December 16, 2015, marked as Exhibit 13 at Plaintiff's deposition, and Bates-numbered DR 0000908-914, and 000925.

18. Appended to this Declaration as Exhibit Q is a true and correct copy of a police report concerning the alleged December 16, 2015 robbery at Store No. 14417, marked as Exhibit 11 at Plaintiff's deposition and Bates-numbered Ciera Washington00014-15.

19. Appended to this Declaration as Exhibit R is a true and correct copy of notes from Walgreens' leave department regarding Plaintiff's time off from work, marked as Exhibit 16 at Plaintiff's deposition and Bates-numbered DR 000191-206.

20. Appended to this Declaration as Exhibit S is a true and correct copy of a document reflecting payments to Plaintiff for her short-term disability, marked as Exhibit 15 at Plaintiff's deposition and Bates-numbered DR 000100-01.

21. Appended to this Declaration as Exhibit T is a true and correct copy of a doctor's note provided by Plaintiff upon her return to work on February 22, 2016, marked as Exhibit 14 at Plaintiff's deposition and Bates-numbered DR 000034.

22. Appended to this Declaration as Exhibit U is a true and correct copy of receipts showing transactions on October 8, 2015 and October 13, 2015, marked as Exhibit 20 at Plaintiff's deposition.

23. Appended to this Declaration as Exhibit V is a true and correct copy of an excerpt from Plaintiff's Walgreens Balance Rewards Transaction history, marked as Exhibit 21 at Plaintiff's deposition, Bates-numbered DR 000153.

24. Appended to this Declaration as Exhibit W is a true and correct copy of excerpts of surveillance video from Store No. 14489 taken on October 8, 2015, marked as Exhibit 23 at Plaintiff's deposition.

25. Appended to this Declaration as Exhibit X is a true and correct copy of excerpts of surveillance video from Store No. 14489 taken on October 13, 2015, marked as Exhibit 24 at Plaintiff's deposition.

26. Appended to this Declaration as Exhibit Y is a true and correct copy of relevant pages from the deposition transcript of Troy Hennessy ("Hennessy"), dated February 14, 2018.

27. Appended to this Declaration as Exhibit Z is a true and correct copy of an internal case form prepared by Hennessy during his investigation of fraudulent discounts at Store No. 14489, marked as Exhibit 18 at Plaintiff's deposition and Bates-numbered DR 000165-68.

28. Appended to this Declaration as Exhibit AA is a true and correct copy of the statement of Gregory Spears, dated November 9, 2015, and Bates-numbered DR 000843-44.

29. Appended to this Declaration as Exhibit BB is a true and correct copy of Plaintiff's statement dated February 22, 2016, marked as Exhibit 19 at Plaintiff's deposition and Bates-numbered DR 000031-33.

30. Appended to this Declaration as Exhibit CC is a true and correct copy of the statement of Luis Guerrero dated February 22, 2016, Bates-numbered DR 000172.

31. Appended to this Declaration as Exhibit DD is a true and correct copy of information from Walgreens' HRIS system regarding Plaintiff's accrual of vacation and sick time, Bates-numbered DR 000014.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
June 20, 2018

/s Aaron Warshaw
Aaron Warshaw